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OFFICE OF PETITIONS

In re Application of	:	
David G. Hees	:	
Application No. 10/801,025	:	DECISION GRANTING PETITION
Filed: March 15, 2004	:	
Attorney Docket No. KEN02 P-101	:	

This is a decision on the "PETITION TO THE NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION", filed November 22, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 15, 2004, with pages 1 and 2 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 15, 2004. However, on September 20, 2004, the Initial Patent Examination Division mailed applicants a "Notice of" notified the application papers had been accorded a filing date of March 15, 2004; however, page 1 and 2 of the specification appeared to have been omitted.

In response, the present petition was filed on November 22, 2004, made timely by including a Certificate of Mailing dated November 18, 2004. Petitioners have submitted a postcard receipt, itemizing "9 pages of specification" as enclosed, and bearing a USPTO date stamp of March 15, 2004.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.¹

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee has been refunded to Deposit Account No. 22-0190.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed March 15, 2004, and pages 1 and 2 of the specification as resupplied on petition filed November 22, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

¹ MPEP 503.